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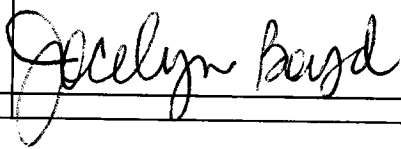
## DOCUMENT TRANSMITTAL FORM

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| 1. Agency Name<br>Public Service Commission               | 2. Chapter Number<br>103  | 3. Date of Filing<br>February 14, 2014 |
| 4. Regulation Number<br>103-817                           | 5. Subject of Regulation<br>Proceedings. (Electronic Service of Commission Notices, Transmittal Letters, and Prefile Testimony Letters) |  |
| 6. Statutory Authority<br>S.C. Code Ann. Section 58-3-140 |   |  |

## 7. Type of Filing

- ☐ NOTICE OF GENERAL PUBLIC INTEREST  
☐ NOTICE OF DRAFTING  
☒ PROPOSED REGULATION  
☐ EMERGENCY REGULATION  
☐ FINAL REGULATION FOR GENERAL ASSEMBLY REVIEW  
☐ RESUBMISSION OF WITHDRAWN REGULATION FOR GENERAL ASSEMBLY REVIEW  
☐ RESUBMISSION OF WITHDRAWN REGULATION FOR GENERAL ASSEMBLY REVIEW WITH NO SUBSTANTIVE CHANGES  
☐ FINAL REGULATION EXEMPT FROM GENERAL ASSEMBLY REVIEW

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|--|--|-------------------------------------|
| 8. For Additional Information, Contact<br>Jocelyn Boyd |  | 9. Telephone Number<br>803-896-5100 |
| 10. Typed Name of Official<br>Jocelyn Boyd             | 11. Signature of Official<br> | 12. Date<br>February 14, 2014       |

## SOUTH CAROLINA STATE REGISTER USE ONLY

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| 13. For publication in SR Volume ____ Issue ____<br>Document Number ____<br>Verification: ____ | <b>FILED</b><br>OFFICIAL FILING STAMP<br>FEB 14 2014<br>S.C. LEGISLATIVE COUNCIL |
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Document No. \_\_\_\_\_  
**PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA**  
**CHAPTER 103**  
Statutory Authority: 1976 Code Section 58-3-140 (Supp. 2013)

103-817. Proceedings.

**Preamble:**

The Public Service Commission of South Carolina (Commission) proposes to amend 10 S.C. Code Ann. Regs. 103-817 so that the Commission can serve documents such as Prefile Testimony Letters, Transmittal Letters, Notices of Filing, Notices of Filing and Hearing, Notices of Hearing, and other documents which reference a hearing date by electronic service, and in situations where electronic service is not feasible, via U. S. Mail. The Notice of Drafting regarding this regulation was published on November 22, 2013, in the State Register, Volume 37, Issue 11.

**Section-by-Section Discussion**

103-817. This section is amended to allow the Commission to serve its Prefile Testimony Letters, Transmittal Letters, Notices of Filing, Notices of Filing and Hearing, Notices of Hearing, and other documents which reference a hearing date by electronic service. Additionally, minor grammatical changes are proposed in 103-817(B).

**Notice of Public Hearing and Opportunity for Public Comment:**

Interested persons may submit written comments to the Public Service Commission, Clerk's Office, 101 Executive Center Drive, Columbia, South Carolina 29210. Please reference Docket Number 2013-402-A. To be considered, comments must be received no later than 4:45 p.m. on Monday, May 12, 2014. Interested members of the public and the regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the Public Service Commission on Tuesday, June 24, 2014, at 10:00 a.m. in the Commission's Hearing Room, 101 Executive Center Drive, Columbia, South Carolina 29210.

**Preliminary Fiscal Impact Statement:**

Although the Commission anticipates incurring some costs to configure its Docket Management System to electronically serve the documents referenced herein, the Agency expects postage and other related costs to decrease when the proposed amendments are implemented.

**Statement of Need and Reasonableness:**

This statement of need and reasonableness was determined pursuant to S.C. Code Ann. Section 1-23-115(C)(1) through (3) and (9) through (11).

**DESCRIPTION OF REGULATION:**

103-817. Proceedings.

**Purpose:** In 2012, S.C. Code Ann. Section 58-3-250 was amended by instructing the Commission to serve its final orders or decisions by electronic service, registered or certified mail, upon all parties to a proceeding or their attorneys. The Commission creates and distributes to parties and interested persons certain procedural documents such as Prefile Testimony Letters,

Transmittal Letters, and Notices of Hearing. These documents are sent to persons through U.S. Mail. If the document contains a Commission hearing date, the document is forwarded to the person or persons by Certified Mail. The proposed changes to Regulation 103-817 provide a more efficient procedure for service of procedural Commission documents to parties or interested persons. The proposed changes also make certain minor grammatical changes.

Legal Authority: S.C. Code Ann. Section 58-3-140 (Supp. 2013)

Plan for Implementation: The proposed regulation will take effect upon approval by the General Assembly and publication in the *State Register*.

**DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:**

The proposed amendments to Regulation 103-817 are needed and are reasonable as the Commission will be able to implement a more efficient process to serve its procedural documents. Affected persons should receive these electronically served procedural documents faster compared to being served these documents by U.S. Mail.

**DETERMINATION OF COSTS AND BENEFITS:**

Although costs related to the proposed changes to the Commission's regulations are minimal, and will include costs related to configuring the Commission's Docket Management System to electronically serve these documents, the benefits will outweigh those costs and will include more efficient processing and forwarding of Commission procedural documents to parties.

**UNCERTAINTIES OF ESTIMATES:**

None.

**EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:**

None.

**DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:**

The regulation will have no detrimental effect on the environment or public health if the regulation is not implemented.

**STATEMENT OF RATIONALE:**

The purpose for the proposed amendments to Regulation 103-817 is to recommend certain minor grammatical changes and to modify this Regulation to allow the Commission to serve certain procedural documents by electronic service and U.S. Mail. The proposed amendments promote an improved and more efficient process to serve parties with important Commission documents. There was no scientific or technical basis relied upon in the development of this regulation.

~~Indicates Matter Stricken~~

Indicates New Matter

**Text:**

103-817. Proceedings.

A. Nature of Proceedings. If required by law and upon filing of a pleading as set forth in R. 103-819, et. seq., proceedings for the purpose of rulemaking, ratemaking, licensing, determining rights, duties, or privileges of any party, and undertaking an official inquiry for the purposes of gathering information or making determinations, which fall under the jurisdiction of the

Commission, shall be conducted by one or more Commissioners, or by a hearing examiner through the development of a formal record.

B. Initiation of Proceedings.

(1) All proceedings shall be initiated by filing with the Chief Clerk at ~~his~~ the business offices at the Commission an original and copies, as determined by the Commission, of an appropriate pleading unless otherwise provided, as designated in R. 103-819, et seq.

(2) The Chief Clerk may refuse to accept for filing any pleading which does not conform to the rules of the Commission, and shall mail written notice to the party or ~~his~~ the authorized representative within ten days after receipt, stating why it has not been accepted for filing.

C. Conduct of Proceedings.

(1) All pleadings initiating proceedings shall be dated upon receipt and shall be assigned a docket number after filing, and all subsequent pleadings or correspondence shall refer to that docket number. Pleadings will be captioned in accordance with R. 103-819, et seq., and shall be processed pursuant to these rules.

(2) The Chief Clerk after filing of the pleadings shall give the Commission notice of such filing at the next regular meeting of the Commission. Where provided by law, any proceeding initiated under these rules may be disposed of without hearing by Order of the Commission within 14 days after the pleading has been accepted for filing, upon the written opinion of the Commission that the pleading on its face shows that a hearing is not necessary, in the public interest, or for the protection of substantial rights.

(3) After any pleading has been accepted for filing, the Chief Clerk may:

(a) Serve the pleadings, as required, in accordance with R.103-830, or within fourteen (14) days, provide the party filing the pleading a Notice of Filing, and, where required by law, the party at its own expense shall publish such notice one time in newspapers having general circulation in the State, or, if applicable, in newspapers having general circulation in the party's service area. Except for good cause shown, proof of publication must be filed on or before the return date. The Chief Clerk, pursuant to other rules of the Commission, may require that the Notice of Filing be mailed to customers and other persons and a certificate of mailing be filed on or before the return date.

(b) Fix a date for hearing, as soon as practicable, and when a date is available on the docket calendar. If the hearing date has not been included in the Notice of Filing, the Chief Clerk shall prepare a Notice of Hearing, and shall forward ~~by certified mail~~ such Notice of Hearing to all parties. Proof of mailing must be placed in the formal record.

(c) Assign a time and place for any public hearing necessary in the conduct of any proceeding. The Chief Clerk shall likewise cause the pleadings to be served pursuant to these rules or issue written notice of the filing of pleadings which shall be published pursuant to law, and notice of the hearing date assigned for the conduct of any formal proceeding, as provided by law.

(d) The Chief Clerk shall forward a copy of a Notice of Filing, a Prefile Testimony Letter, or a Transmittal Letter to all parties by electronic service or by U.S. Mail. The Chief Clerk shall forward a Notice of Filing and Hearing, a Notice of Hearing or any other document containing a hearing date to all parties by electronic service or by certified mail.

~~(d)~~ (e) Require from a person filing a pleading a letter incorporating a statement presenting the number of witnesses the person expects to offer in the proceeding and an estimate of the time required for the presentation of testimony and exhibits.

(4) Public hearings in the conduct of proceedings shall be held pursuant to R. 103-836, et seq.

D. Final Disposition of Proceedings. Proceedings shall be concluded upon the issuance of an order by the Commission or upon a settlement or agreement reached by all parties to the proceedings and formally acknowledged by the Commission by issuance of an order.

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**UNCERTAINTIES OF ESTIMATES:**

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**EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:**

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